

LAND ACQUISITION AND STATE ASSISTANCE

Appropriation Language

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, [\$120,700,000] \$297,468,000, for Lands Legacy, to be derived from the Land and Water Conservation Fund, to remain available until expended, of which [\$21,000,000] \$150,000,000 is for the State assistance program [including \$1,000,000 to administer the State assistance program], of which \$8,500,000 is available, subject to authorization, for acquisition of lands for addition to Great Sand Dunes National Monument, and of which [\$10,000,000] \$47,000,000 may be for [State grants for land acquisition in the State of Florida: Provided, That funds provided for State grants for land acquisition in the State of Florida are contingent upon the following: (1) submission of detailed legislative language to the House and Senate Committees on Appropriations agreed to by the Secretary of the Interior, the Secretary of the Army and the Governor of Florida that would provide assurances for the guaranteed supply of water to the natural areas in southern Florida, including all National parks, Preserves, Wildlife Refuge lands, and other natural areas to ensure a restored ecosystem; and (2) submission of a complete prioritized non-Federal land acquisition project list: Provided further, That after the requirements under this heading have been met, from the funds made available for State grants for land acquisition in the State of Florida] the Secretary [may] to provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and of which \$2,000,000 may be provided to the State of Maryland for acquisition of lands, or waters, or interests therein, known as the Holly Beach Farm near Sandy Point State Park in the State of Maryland: Provided [further], That funds provided under this heading [to the] for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That [of the amount provided herein \$2,000,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the Ice Age National Scenic Trail: Provided further, That of the amount provided herein \$500,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the North Country National Scenic Trail: Provided further, That funds provided under this heading to the State of Wisconsin are contingent upon matching funds by the State] the funds provided for the acquisition of Holly Beach Farm are contingent upon matching non-Federal funds by the State of Maryland.

Justification of Proposed Language Changes

1. Addition: “for Lands Legacy”

The proposed addition makes more clear the intended purpose of the funding.

2. Deletion: “including \$1,000,000 to administer the State assistance program”

This deletion removes the reference to a specific amount of funding for program administration. Administration will be accomplished within the amount set aside for State assistance.

3. Addition: “; and of which \$2,000,000 may be provided to the State of Maryland for acquisition of lands or waters, or interests therein, known as the Holly Beach Farm near Sandy Point State Park in the State of Maryland”

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This language is proposed in order to allow the State of Maryland to acquire land for preservation and recreation.

4. Deletion: “State grants for land acquisition in the State of Florida: Provided, That funds provided for State grants for land acquisition in the State of Florida are contingent upon the following: (1) submission of detailed legislative language to the House and Senate Committees on Appropriations agreed to by the Secretary of the Interior, the Secretary of the Army and the Governor of Florida that would provide assurances for the guaranteed supply of water to the natural areas in southern Florida, including all National parks, Preserves, Wildlife Refuge lands, and other natural areas to ensure a restored ecosystem; and (2) submission of a complete prioritized non-Federal land acquisition project list: Provided further, That after the requirements under this heading have been met, from the funds made available for State grants for land acquisition in the State of Florida”

Deletion: “may”

Addition: “to”

These deletions and addition would remove the specific prerequisites for granting of funds to Florida which applied to Fiscal Year 2000 grants.

5. Addition: “Secretary for assistance to the”

The additional words are to clarify that the funding is provided to the State of Florida at the discretion of the Secretary when conditions have been met.

6. Addition: “to acquire lands within the Everglades watershed”

This addition is intended to clearly identify the land to which this Provision applies and distinguish it from the proposed Provision which follows, concerning conditions for the State of Maryland.

7. Deletion: “of the amount provided herein \$2,000,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the Ice Age National Scenic Trail: Provided further, That of the amount provided herein \$500,000 shall be made available by the National Park Service, pursuant to a grant agreement, to the State of Wisconsin so that the State may acquire land or interest in land for the North Country National Scenic Trail: Provided further, That funds provided under this heading to the State of Wisconsin are contingent upon matching funds by the State”

This language is proposed for deletion because it applies only to Fiscal Year 2000 funds.

8. Addition: “: Provided further, that the funds provided for the acquisition of Holly Beach Farm are contingent upon matching non-Federal funds by the State of Maryland”

The language is proposed for addition in order to set conditions for the granting of land acquisition funds to the State of Maryland.

Appropriation Language Citations

1. For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l-4 through 11),

16 U.S.C. 460 l-4 through 11

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16 U.S.C. 460 1-4-11 contains the provisions of the Land and Water Conservation Fund Act of 1965, as amended, including authorization for appropriations to carry out the provisions of the act.

2. including administrative expenses,

16 U.S.C. 460 1-4 through 11

16 U.S.C. 460 1-4-11 is considered to provide implied authority to appropriate funds for administrative expenses to carry out the purposes of the act. This implied authority is recognized by Congress in appropriation language and appropriation committee reports designating specific amounts for administrative expenses.

3. and for acquisition of lands or waters, or interests therein, in accordance with statutory authority applicable to the National Park Service, \$_____,

16 U.S.C. 460 1-9

16 U.S.C. 460 1-9 authorizes appropriations from the fund for "acquisition of land, waters, or interests in land or waters" for the National Park System and defines how this Federal land acquisition program shall be administered.

4. to be derived from the Land and Water Conservation Fund,

16 U.S.C. 460 1-5 and 6

16 U.S.C. 460 1-5 and 6 establishes the Land and Water Conservation Fund, provides for \$900,000,000 annual revenues to the fund through fiscal year 2015, and authorizes appropriations from the fund.

5. to remain available until expended,

16 U.S.C. 460 1-6

16 U.S.C. 460 1-6 states that appropriations from the fund "may be made without fiscal year limitation."

6. of which \$_____ is for the State assistance program

16 U.S.C. 460 1-4 through 11

16 U.S.C. 460 1-4-11 is considered to provide implied authority to appropriate funds for administrative expenses of the state assistance program.

7. of which \$_____ is available, subject to authorization, for acquisition of lands for addition to Great Sand Dunes National Monument,

Legislation will be proposed to provide authorization for this acquisition.

8. and of which \$_____ may be for the Secretary to provide Federal assistance to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands or waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys) under terms and conditions deemed necessary by the Secretary, to improve and restore the hydrological function of the Everglades watershed

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16 U.S.C. 410r-5-8

16 U.S.C. 410r-5-8, the Everglades National Park Protection and Expansion Act of 1989, as amended, authorizes transfer of funds by the NPS to the State of Florida for land acquisition in certain areas.

9. and of which \$2,000,000 may be provided to the State of Maryland for acquisition of lands or waters, or interests therein, known as the Holly Beach Farm near Sandy Point State Park in the State of Maryland

Proposed appropriations bill language in the President's FY 2001 provides the authority for the NPS to provide grant funds to the State of Maryland for the acquisition of Holly Beach Farm.

10. Provided, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades.

16 U.S.C. 410r-8(k)(3)

16 U.S.C. 410r-8(k)(3) provides that, "All funds made available pursuant to this subsection shall be transferred to the State of Florida or a political subdivision of the State, subject to an agreement that any lands acquired with such funds will be managed in perpetuity for the restoration of natural flows to the park or Florida Bay."

11. Provided further, that the funds provided for the acquisition of Holly Beach Farm are contingent upon matching non-Federal funds by the State of Maryland

The proposed bill language provides the authority for the National Park Service to impose the requirement that grants to the State of Maryland for acquisition of Holly Beach Farm be matched by the State with non-Federal funds.

Land Acquisition and State Assistance/Appropriation Language, Changes and Citations

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year [1999] 2000 by 16 U.S.C. 460l-10a is rescinded.